

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07CR18**

UNITED STATES OF AMERICA

v.

**DONALD SEXTON,
Defendant.**

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ORDER

THIS MATTER is before the Court on Defendant's Motion To Withdraw as Attorney of Record, filed on March 31, 2009. (Document #23.) In his motion, Defendant asserts that a conflict of interest exists because Defendant plans to appeal his conviction on the grounds of ineffective assistance of counsel.

On May 6, 2008, the Defendant entered a straight-up plea of guilty to the single charge contained in a Bill of Indictment filed on April 25, 2007, namely, possession of a firearm after having previously been sentenced to a term of imprisonment greater than one year, in violation of 18 U.S.C. 922(g). The Defendant is currently scheduled for sentencing on April 8, 2009 at 9:30 AM.

The Court will address the Defendant's motion at the time of sentencing. However, at that time, the Court will require defense counsel and the Defendant to be prepared to proceed with sentencing in this matter if the motion to withdraw as attorney of record is denied.

IT IS, THEREFORE, ORDERED THAT:

1) Defendant's Motion to Withdraw as Attorney of Record will be heard on **April 8, 2009 at 9:30 AM** in conjunction with the previously scheduled sentencing hearing;

2) The Clerk shall forward a copy of this Order to the Defendant at his current place of incarceration.

SO ORDERED.

Signed: April 2, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

